

YAVAPAI COUNTY ATTORNEY'S OFFICE
Sheila Polk, SBN 007514
County Attorney
ycao@co.yavapai.az.us
Attorneys for STATE OF ARIZONA

RECEIVED
CLERK DEPOSITORY
2010 JUL 23 PM 7:01

FILED

B. Chamberlain

IN THE SUPERIOR COURT
DEPUTY CLERK

STATE OF ARIZONA, COUNTY OF YAVAPAI

STATE OF ARIZONA,

V1300CR201080049

Plaintiff,

STATE'S RESPONSE TO MOTION TO
CHANGE PLACE OF TRIAL PURSUANT
ARIZ. R. CRIM. P. 10.3

vs.

JAMES ARTHUR RAY,

(The Honorable Warren Darrow)

Defendant.

The State of Arizona, through undersigned counsel, requests this Court to deny the Defendant's Motion to Change Place of Trial Pursuant to Ariz. R. Crim. P. 10.3. Defendant has failed to show any presumed or actual prejudice that cannot be remedied through voir dire. Therefore, Defendant's motion should be denied. This Response is further supported by the following Memorandum of Points and Authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

The Facts:

On October 8, 2009, Yavapai County Sheriff's Office responded to the Angel Valley Retreat in Sedona, Arizona, for a report of numerous people in various stages of medical distress. Upon arrival, detectives were informed two persons had died after being transported to the Verde Valley Medical Center and other individuals were in altered levels of consciousness and having difficulty breathing.

1 The subsequent investigation revealed the deaths occurred after approximately 55 people
2 took part in a two-hour ceremony in a sweat lodge. In addition to James Shore and Kirby Brown,
3 the two people who died, numerous others were hospitalized. On October 17, 2009, a third
4 participant, Liz Neuman, died.

5 The sweat-lodge ceremony was part of a five-day seminar titled "Spiritual Warrior"
6 sponsored by James Arthur Ray, a motivational speaker and author of some renown. The Yavapai
7 County Sheriff's Office originally initiated an accidental death investigation. The investigation was
8 subsequently upgraded to a homicide investigation.

9 The investigation established Defendant had conducted prior sweat lodge events, and
10 knew participants in those prior sweat lodge events had suffered adverse medical problems during
11 the sweat lodge event, including at least one prior participant in 2005 who was transported to the
12 hospital. Despite that knowledge, Defendant continued to operate the lucrative¹ sweat lodge
13 events, and assured participants that, although they might feel like they were going to die inside
14 the sweat lodge, they would not. Defendant also discouraged participants from helping others
15 inside the sweat lodge, assuring the participants that Defendant's staff would provide any
16 necessary assistance.

17 On February 3, 2010, the Yavapai Grand Jury indicted Defendant on three counts of
18 manslaughter for the deaths of victims Kirby Brown, James Shore and Elizabeth Neuman.

19 **Media Coverage:**

20 Whether it was from the unusual circumstances leading to the three victims' deaths or
21 the celebrity status enjoyed by Defendant, or most likely, a combination of the two, media
22

23
24
25
26 ¹ Approximately 47 people participated in the 2009 sweat lodge event near Sedona as fee
paying participants, many paying Defendant up to \$10,000 to attend.

Office of the Yavapai County Attorney

255 E. Gurley Street

Prescott, AZ 86301

Phone: (928) 771-3344 Facsimile: (928) 771-3110

1 interest in this case was immediate and has continued to some extent throughout the proceeding.
2 While Defendant accuses the State of "largely fuel[ing] this sensational media frenzy," this
3 accusation is totally contradicted by the record. Instead the record shows that from the inception
4 of the investigation, the State sought to protect the integrity of the investigation by limiting the
5 release of public information while still complying with its obligations under Arizona Public
6 Records Law. It is interesting to contrast Defendant's characterization of the State's actions in
7 this regard to that of the media. In KPNX Broadcasting Company and Phoenix Newspapers,
8 Inc.'s Reply to the State's Objection to their Motion for Cameras in the Courtroom, KPNX
9 offered the following description of the State's action:
10

11 At every turn in the early stages of this criminal matter, the State has
12 moved to operate out of the public eye. It first sought to keep search warrant
13 affidavits under seal for months, then proposed an overbroad, unconstitutional gag
14 order, and now asks to prohibit camera coverage of a bond reduction hearing –
15 without offering any evidence or legal authority to establish that video coverage
16 poses any likelihood of harm. Instead of presenting evidence and case law, the
State relies on speculation and hyperbole to argue that video coverage of a
criminal proceeding that is open to the public as a matter of constitutional law
would somehow prejudice the jury pool in this case.

17 *Reply in Support of Motion for Camera Coverage of February 23, 2010 Bond Reduction Hearing*
18 *of KPNX Broadcasting Co. and Phoenix Newspapers, Inc., February 23, 2010.*

19 Defendant also misrepresents and mischaracterizes both the extent and the nature of the
20 publicity in Arizona. Focusing primarily on the coverage presented by The Daily Courier,
21 Defendant tells this Court that "The Daily Courier repeated Sheriff's Waugh October 2009
22 statements that the 'the deaths of James Shore and Kirby Brown were not accidental' in story
23 after story for nearly five months." An analysis of the actual frequency of media coverage by the
24 local media provided by Defendant together with the media coverage in the Verde Independent,
25 Arizona Republic and the Associated Press indicates that it was only in October, the initial month
26

1 of the investigation, and in February in the few weeks immediately following Defendant's arrest
2 and subsequent release hearings that any type of routine media attention was given to Defendant's
3 case. *See chart at Exhibit A, attached.* Specifically, the analysis shows that of the 33 articles
4 appearing in The Daily Courier, thirteen occurred in October 2009, none appeared in November,
5 four appeared in December, four appeared in January 2010, eight appeared in February, three
6 appeared in March, none appeared in April, May or June and one has appeared in July.² This is
7 hardly, the "story after story" sequence represented by Defendant. Moreover, Defendant
8 repeatedly sensationalizes the content of articles. Without going into each example cited by
9 Defendant, the State would simply urge the Court to review the articles as presented. They speak
10 for themselves.

12 Defendant further attempts to convince this Court that the nature of the local reporting has
13 so "inflamed" the public that it has responded with similar vitriol. *See Defendant's Motion at 6.*
14 Defendant bases this argument on comments posted on The Daily Courier's website. Defendant
15 conveniently omits any mention of the comments that have defended Defendant and placed blame
16 on the victims in this matter. Among these comments posted by readers of The Daily Courier are
17 the following:

- 19 • I think we should wait to see what exactly happened on that unfortunate
20 day. Why are we always so quick to blame. It would be nice to hear from
21 someone who was actually there to see what actually happened. James Ray
22 has inspired a lot of people. I do not believe he has ever told anyone that
23 his 'words' would free them. This article is very loose and nonfactual. But
24 as we all know, this is The Prescott Daily Courier. Article Comment
25 Posted by "No name provided" October 18, 2009 (Defendant's Exhibit 9).
- 26 • Well my prayers to the families. Now for the real deal. I think everyone
needs to stop blaming this Mr. Ray. I don't know him but all these people
went to this retreat on their own, paid the money on their own and made all
their OWN decisions as adults so I don't know how you all can point the

² Article count is as of July 12, 2010.

1 finger at Mr. Ray. It's no different then if a athlete falls out or dies during a
2 practice it's not the coaches fault. Accidents happen everyday and this is a
3 unfortunate one but I think that as adults any of these people could have
4 gotten up and walked out at any time. I'm sure they weren't held against
5 their will. I think people should be a little more intelligent in their thinking
6 instead of always pointing the finger. I'll bet money that if there are any
7 charges against him that they will NEVER stick. This was a accident from
8 what I've heard. Just my 2 cents. (Some capitalization/spelling corrected
9 for readability). Article Comment Posted by "Lets be Realistic" October
10 24, 2009 (Defendant's Exhibit 12).

- 11 • What about some personal responsibility for the people who died? They
12 could have left whenever they wanted to. Article Comment Posted by "No
13 name" February 4, 2010 (Defendant's Exhibit 25).

14 Contrary to Defendant's accusations that the State has contaminated the jury pool, the
15 record shows that not only did Defendant object to the State's request for a gag order, Defendant
16 and his attorneys engaged in many extra-judicial comments prior to this Court's granting the
17 State's request.³ Moreover, these comments, which were totally initiated and controlled by
18 Defendant, also resulted in public vitriol. For example, on January 24, 2010, Defendant granted
19 an exclusive interview with New York Magazine and provided his version of what had occurred
20 on October 8, 2009. *See Exhibit B, attached. New York Magazine, "James Ray Defends Himself,"*
21 *published January 24, 2010.* As of July 12, 2010, there were 774 comments posted to the article.
22 Included were statements very similar to those presented by Defendant in his motion, including
23 the following:

- 24 • What goes around, comes around, James. Why don't you use your
25 thoughts, feelings, and actions to rid yourself of your herpes, or you current
26 legal troubles. Good luck. When in hell, only the devil can help you.
Article Comment by "Cyberman25" Posted January 24, 2010.

³ Attached as Exhibit A to the State's Request for Order Directing All Parties to Refrain from Extra-Judicial Comments "Gag Order," filed on February 5, 2010 was a CD containing two interviews conducted by Mr. Brad Brian, an attorney for Defendant, on Good Morning America and Larry King Live. They represent only a sampling of the number of public comments made by Mr. Brad Brian and Mr. Luis Li, both attorneys representing the Defendant.

- James Ray is a petty charlatan. After he sent me an e mail urging me to read the "New Yorker" interview and I am not sure why, it hasn't changed my opinion of the acts that lead to the death of innocent people. He is in love with himself and anyone who attends any of his future seminars is just wasting their money. Listen to Oprah to get worthwhile information and you never have to leave the safety of your home. If you need more self help just spend an evening at Barnes & Noble. Article Comment Posted by "Bartman1945" Posted January 27, 2010.

Defendant claims that the records released to the media contain inaccurate or inadmissible statements. They attempt to support these claims by contrasting eye-witness statements, in some cases participants describing their own injuries, to the Defendant's analysis of the participants' medical records relating to the same, essentially challenging the credibility of the witnesses as to their own injuries. This is clearly a matter for the trier of fact. It is interesting to note that Defendant describes the photographs he provides in Exhibit 50 as the "participants smiling, taking photographs of one another, cooling off and relaxing – not in 'medical distress' or 'unconscious.'" While it is true that some of the photographs capture participants who are smiling, others depict what has been described by participants as a "triage unit." For instance, 2008 participant C. Manner, who provided the photos to the State, also provided the following descriptions of what was occurring:

- Exhibit 50, Photograph No. 000030: "about five minutes after the last round of the sweatlodge. It looked like a triage unit."
- Exhibit 50, Photograph No. 000037: "me with water cup. I was so weak I could not sit up. I was one of the 12 people that went the full 7 rounds and did not leave the sweatlodge."
- Exhibit 50, Photograph 000041. "This girl had passed out and was in and out of consciousness for awhile."
- Exhibit 50, Photograph 000042. "This is Mary Bryson, the woman who was unconscious and I was told she was just having an out of body experience and would be coming around soon. They were trying to get her eyes to open."

- Exhibit 50, Photograph 000046. "This is Michael who was pinching Mary Bryson's feet to get a response from her. As mentioned, he said he used to be an EMT."
- Exhibit 50, Photograph 000051, "In background you can see person holding Mary Bryson who is still not conscious. I am walking with the cup and at that time walked over to check on M. It had been a good fifteen minutes since I came out of the Sweatlodge and was able to stand with water."
- Exhibit 50, Photograph 000056, "Participants eating watermelon. Girl laying on ground is still distressed. Also, I think it is Mary (in the green towel) that is being hand fed watermelon."

The above descriptions were disclosed to the defense along with the photographs. Defendant conveniently omits the above descriptions to this Court in his attempt to convince the court that media has received inaccurate or misleading descriptions of past sweat lodge events.

Defendant acknowledges that prior acts of a defendant may be admissible for the reasons set forth in Rule 404(B), Ariz. R. Evid. The State intends to submit evidence of these prior acts to this Court and has no doubt it will meet the "clear and convincing" standard required by the rule. The State has complied with Arizona Public Records Law and released the law-enforcement reports relating to this case. These reports include participants' statements regarding prior James Ray events that describe prior injuries and medical distress. The fact that Defendant does not like their content does not make the records wrong, inaccurate or inadmissible and the public has not been misinformed.

The purpose of the above discussion is to attempt to objectively describe the media coverage as it actually occurred in this case. The State is not attempting to minimize the amount of publicity in this case; but it disagrees with the characterization of that coverage in Defendant's Motion. However, this is not the issue for this Court's determination. The issue before the Court is not whom is to blame for what coverage, but whether the publicity has prejudiced Defendant's ability to receive a fair trial in Yavapai County. When the facts and the publicity at issue in this

1 case are considered under the standards for this determination, it becomes very clear that
2 Defendant has failed to meet his burden.

3 **Legal Argument:**

4 **I. The law:**

5 Rule 10.3(b), Ariz. R. Crim. P., pertaining to a change of venue for trial due to pretrial
6 publicity, states:
7

8 Whenever the grounds for change of place of trial are based on pretrial publicity,
9 the moving party shall be required to prove that the dissemination of the
10 prejudiced material will probably result in the party being deprived of a fair trial.

11 Prejudice to the defendant can be either presumed or actual. See *State v. Blakely*, 204
12 Ariz. 429, 434, 65 P.3d 77, 82 (2003). Presumed prejudice results when the publicity is “so
13 extensive or outrageous that it permeated the proceedings or created a ‘carnival-like
14 atmosphere.’” *State v. Atwood*, 171 Ariz. 576, 631, 832 P.2d 593, 648 (1992); *see also State v.*
15 *Bible*, 175 Ariz. 549, 563, 858 P.2d 1152, 1166 (1993) (“pretrial publicity so outrageous that it
16 promises to turn the trial into a mockery of justice or a mere formality”). “The adverse publicity
17 must be so extensively pervasive and prejudicial that ‘the court cannot give credibility to the
18 jurors’ attestations, during voir dire, that they could decide fairly.’” *State v. Davolt*, 207 Ariz.
19 191, 206, 84 P.3d 456, 471 (2004). The standard for presumed prejudice is high, and the Arizona
20 Supreme Court has failed to presume prejudice when the publicity was “primarily factual and
21 non-inflammatory or the publicity did not occur close in time to the trial.” *Id.* (other citations
22 omitted). In evaluating whether prejudice should be presumed, a trial court should consider not
23 only the quantity of publicity but also whether it is factual, whether it is inflammatory in nature,
24 its frequency and duration, and its proximity to trial. See *State v. Nordstrom*, 200 Ariz. 229, 239,
25 25 P.3d 717, 727 (2001).
26

1 Defendant has the “extremely heavy” burden to demonstrate that the pretrial publicity is
2 presumptively prejudicial. *Bible*, 175 Ariz. at 564, 858 P.2d at 1167 (citing *Coleman v. Kemp*,
3 778 F.2d 1487, 1537 (11th Cir. 1985)). Simply because a juror may have knowledge of the case
4 does not mean that the juror is unable to set aside that knowledge in evaluating the evidence
5 adduced at trial. *State v. Gretzler*, 126 Ariz. 60, 77, 612 P.2d 1023, 1040 (1980) (“Neither prior
6 knowledge of the case nor an opinion concerning the defendant’s guilt will disqualify a juror
7 unless there is evidence that the juror is unable to set aside such knowledge or opinion in
8 evaluating the evidence presented at trial.”); *see also State v. Endreson*, 109 Ariz. 117, 506 P.2d
9 248 (1973) (half of the trial jury had knowledge of the case); *State v. Schmid*, 109 Ariz. 349, 509
10 P.2d 619 (1973) (all jurors had knowledge of the case).

11
12 **II. Defendant fails to meet the “very heavy” burden of establishing prejudice should**
13 **be presumed.**

14 Defendant has failed to meet the “very heavy” burden of establishing that prejudice should
15 be presumed. *Bible*, 175 Ariz. at 564, 858 P.2d at 1167. As mentioned previously and illustrated
16 in Exhibit A, except for the first month of the case and the time period surrounding Defendant’s
17 arrest and bail hearings, coverage has been minimal. Several months passed with no coverage at
18 all. It is now clear Defendant’s trial will not be held for several more months. Should it progress
19 as expected, this minimal level of media coverage would logically be expected to continue. The
20 State would anticipate some mention in the media when pleadings are filed or hearings are held to
21 update the public on the status of the case. This type of factual reporting is not the type of
22 publicity that creates a presumption of prejudice.
23

24 In *Bible*, the Arizona Supreme Court did not find a presumption of prejudice in a case
25 having far more extensive local publicity than the instant case. *Bible* was an ex-convict, who
26 kidnapped, raped and brutally murdered a nine-year-old girl in Flagstaff. The Court noted that

Office of the Yavapai County Attorney

255 E. Gurley Street

Prescott, AZ 86301

Phone: (928) 771-3344 Facsimile: (928) 771-3110

1 due to the pervasive pretrial publicity in Flagstaff and Coconino County (populations of
2 approximately 45,000 and 100,000 respectively) “nearly all potential jurors had some knowledge
3 of the case.” *Bible*, 175 Ariz. at 563, 858 P.2d at 1166. Local newspapers even generated reports
4 on inadmissible evidence, including that the defendant had “flunked a lie detector test,” and that
5 the defendant was a convicted “child molester” who had committed “child rape.” *Id.* at 564, 858
6 P.2d at 1167. Nevertheless, the Court could not conclude that the trial was “utterly corrupted” by
7 the publicity and, therefore, refused to “presume prejudice.” *Id.* at 565, 858 P.2d at 1168 (citing
8 *Murphy v. Florida*, 421 U.S. 794, 798, 95 S.Ct. 2031, 2035 (1975).

10 Similarly, in *State v. Cruz*, 218 Ariz. 149, 181 P.3d 196 (2008), the Arizona Supreme
11 Court did not presume prejudice where local publicity was far more extensive than the instant
12 case. In *Cruz*, the defendant shot and killed a police officer during a traffic stop in Tucson. It was
13 the first Tucson officer death in the line of duty in 21 years. As noted by the Court,

15 [t]he media extensively covered the death of Officer Hardesty and Cruz’s
16 apprehension. Hundreds of television broadcasts and newspaper articles reported
17 the crime and Cruz’s suspected guilt. Local radio stations and grocery stores raised
18 money for Hardesty’s family; a billboard was erected on a major Tucson street that
19 proclaimed, “Officer Patrick K. Hardesty, Your service to Tucson will never be
20 forgotten”; flags were flown at half staff; and a local police substation was named
21 for Hardesty.

22 *Id.* at 157, 181 P.3d at 204. Nonetheless, the Court found the pretrial publicity, although
23 extensive, was not “‘outrageous’ and did not create a ‘carnival-like’ atmosphere.” *Id.* The Court
24 noted that the information disseminated to the public was “almost entirely accurate” and “most of
25 the coverage occurred more than a year before trial’ and found Cruz had failed to meet the “very
26 heavy” burden” of establishing that prejudice should be presumed. *Id.*

Defendant claims that not only has the media coverage been extensive, “it is also replete
with precisely the types of adverse news reporting that creates an impermissible carnival-like

1 atmosphere....” *Defendant’s Motion at 12*. “In determining whether the publicity in a case is in
2 fact ‘carnival-like’ [courts] look to the United State’s Supreme Court’s rulings in *Rideau v.*
3 *Louisiana*, 373 U.S. 723, 83 S.Ct. 1417, 10 L.Ed.2d 663 (1963), *Estes v. Texas*, 381 U.S. 532, 85
4 S.Ct. 1628, 14 L.Ed.2d 543 (1965), and *Shepard v. Maxwell*, 384 U.S. 333, 86 S.Ct. 1507, 16
5 L.Ed.2d 600 (1966).” *Atwood* at 648, 832 P.2d at 631.

6
7 Prejudice was presumed in the circumstances under which the trials in
8 Rideau, Estes, and Sheppard were held. In those cases the influence of the news
9 media, either in the community at large or in the courtroom itself, pervaded the
10 proceedings. In Rideau the defendant had ‘confessed’ under police interrogation to
11 the murder of which he stood convicted. A 20-minute film of his confession was
12 broadcast three times by a television station in the community where the crime and
13 the trial took place. In reversing, the Court did not examine the voir dire for
14 evidence of actual prejudice because it considered the trial under review ‘but a
15 hollow formality’-the real trial had occurred when tens of thousands of people, in a
16 community of 150,000, had seen and heard the defendant admit his guilt before the
17 cameras.

18 The trial in Estes had been conducted in a circus atmosphere, due in large
19 part to the intrusions of the press, which was allowed to sit within the bar of the
20 court and to overrun it with television equipment. Similarly, Sheppard arose from
21 a trial infected not only by a background of extremely inflammatory publicity but
22 also by a courthouse given over to accommodate the public appetite for carnival.
23 The proceedings in these cases were entirely lacking in the solemnity and sobriety
24 to which a defendant is entitled in a system that subscribes to any notion of
25 fairness and rejects the verdict of a mob. ***They cannot be made to stand for the
proposition that juror exposure to information about a state defendant's prior
convictions or to news accounts of the crime with which he is charged alone
presumptively deprives the defendant of due process.***

26 *Murphy v. Florida*, 421 U.S. 794, 798-799, 95 S.Ct. 2031, 2035 - 2036(1975) (emphasis added).

In contrast to the above cases, this Court has made every possible effort to maintain the
decorum of the courtroom while accommodating the public’s right of access to the court.
Defendant has failed to make any showing that even approaches the circumstances present
Rideau, Estes, and Sheppard, and therefore, no presumption of prejudice should be found.

1 **III. The size of Yavapai County does not preclude the finding of a fair and impartial**
2 **jury.**

3 Defendant claims that Yavapai County's population of approximately 215,000 residents
4 cannot set aside the effect of pretrial publicity to the extent necessary to find a fair and impartial
5 jury. While it is true that the size of the community is a factor to consider, that fact alone does
6 not support a presumption of prejudice. See *Bible*, 175 Ariz. at 563, 567, 858 P.2d at 1166, 1170
7 (noting the small population of Flagstaff and Coconino County and the fact that "nearly all
8 potential jurors had some knowledge of the case," but rejecting claim that pretrial publicity
9 caused actual prejudice). Nor is there any merit to Defendant's argument that a transfer to
10 Maricopa County would mitigate the potential for prejudice. While it is uncontested that
11 Maricopa County is much larger than Yavapai County, an analysis of the frequency of media
12 coverage indicates almost double the number of articles have appeared in The Arizona Republic
13 or on its web site AZCentral.com. See *Exhibit A*. Moreover, much of the media coverage of this
14 case, including those in which Defendant or his legal counsel appeared, has been broadcast
15 nation-wide. Because of the unusual facts of this case and Defendant's public renown, it would
16 be impossible to find any county in Arizona where press coverage of the case has not reached
17 the jury pool.
18
19

20 In the absence of presumed prejudice, a defendant must demonstrate that the pretrial
21 publicity is actually prejudicial and will likely deprive him of a fair trial. *State v. Davolt*, 207
22 Ariz. at 206, 84 P.3d at 471. To establish actual prejudice, a defendant must show the jurors
23 have preconceived notions of his guilt and are unable to put those notions aside. *Id.* Prior
24 knowledge of the case alone is not enough. *State v. Chaney*, 141 Ariz. 295, 302, 686 P.2d 1265,
25 1272 (1984). As recently noted by the United States Supreme Court, "Prominence does not
26 necessarily produce prejudice, and juror *impartiality*, we have reiterated, does not require

Office of the Yavapai County Attorney

255 E. Gurley Street

Prescott, AZ 86301

Phone: (928) 771-3344 Facsimile: (928) 771-3110

1 ignorance." *Skilling v. United States*, --- S.Ct. ---, 2010 WL 2518587, 14 (2010). Change of
2 venue should be granted only if this Court finds the jurors cannot lay aside their preconceived
3 notions and render a verdict based on the evidence presented at trial. *Id.*

4 It is the State's belief that through voir dire, a fair and impartial jury will be found. "An
5 examination of the jurors, through voir dire process, is an effective means by which to
6 determine the effects or influence of pretrial publicity on the jurors." *State v. Blakely*, 204 Ariz.
7 429, 434, 65 P.3d 77, 82 (2003) (quoting *State v. Greenawalt*, 128 Ariz. 150, 163, 624 P.2d 828,
8 841 (1981). However, until that time, Defendant's claim of prejudice is purely speculative and
9 this Court should deny his motion.

10 RESPECTFULLY submitted this 23rd day of July, 2010.

11 By Sheila Sullivan Polk
12 SHEILA SULLIVAN POLK
13 YAVAPAI COUNTY ATTORNEY

14 **COPIES** of the foregoing emailed this
15 23rd day of July, 2010:

16 Hon. Warren Darrow
17 Dtroxell@courts.az.gov

18 Thomas Kelly
19 tkkelly@thomaskellypc.com

20 Truc Do
21 Tru.Do@mto.com

22 By: Kathy Durren

23 **COPIES** of the foregoing delivered this
24 _____ day of July, 2010, to

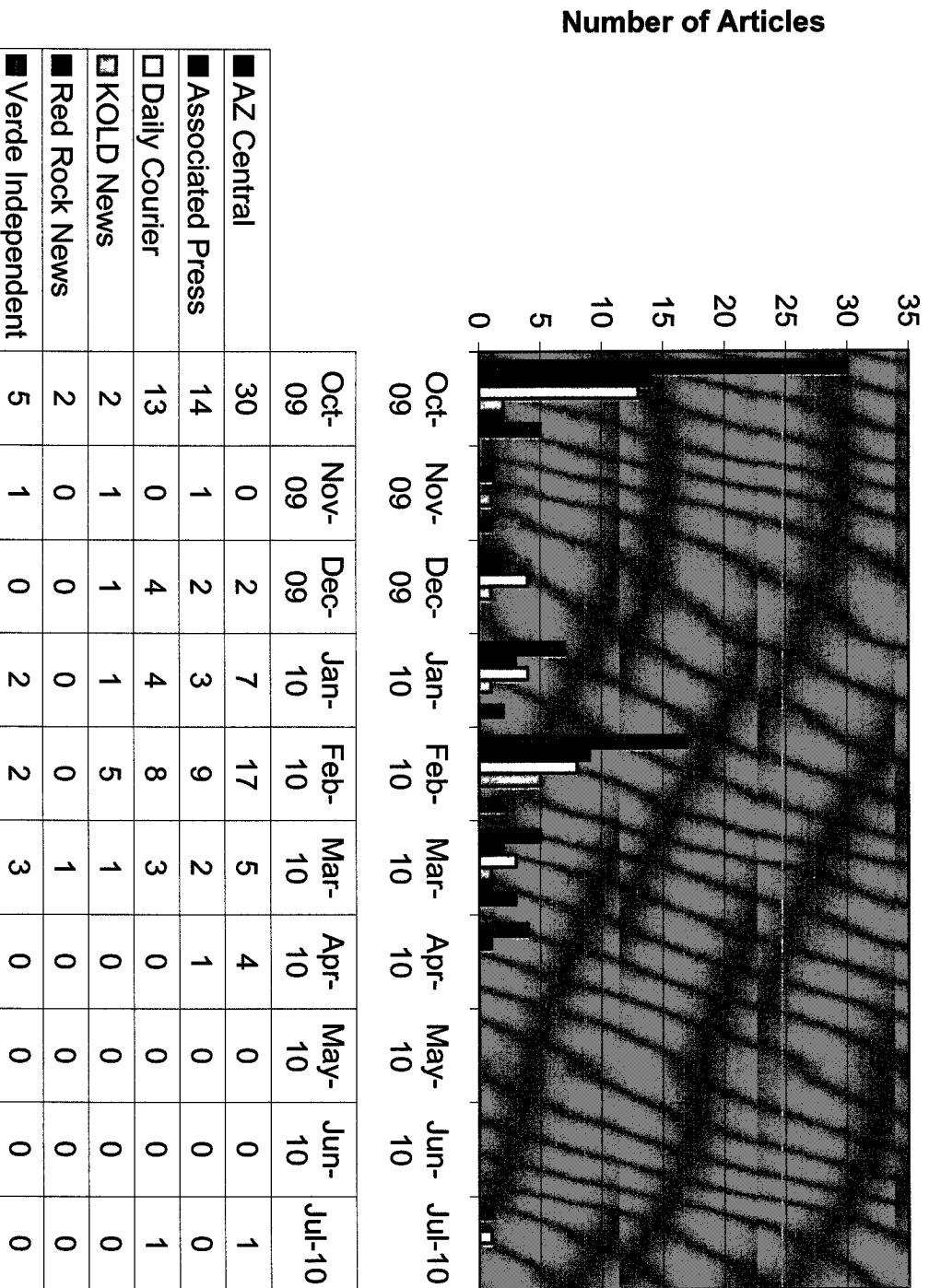
25 Thomas Kelly
26 Via courthouse mailbox

Truc Do
Munger, Tolles & Olson LLP
355 S. Grand Avenue, 35th Floor
Los Angeles, CA 90071-1560

Via U.S. Mail

By: Kathy Durren

Summary of Media Coverage



Article count is as of July 12, 2010

New York

James Ray Defends Himself

The self-help guru—and sweat lodge homicide suspect—ends his silence in this exclusive interview.

By Michael Joseph Gross Published Jan 24, 2010



Ray's sweat lodge
(Photo AP Photo/Yavapai County Sheriff's Office)

Overnight, James Arthur Ray went from being a star of the self-help movement to homicide suspect.

He was admired by Oprah and Larry King; a peer of Deepak Chopra and Tony Robbins; a teacher whose followers paid as much as \$60,000 a year to attend his seminars, where his best-selling book, *Harmonic Wealth: The Secret of Attracting the Life You Want*, was cited as if it were scripture. Last September, James Ray International, the organization he founded in 1992, was named one of America's 500 fastest-growing companies by Inc. Magazine, with revenues close to \$10 million. Then, on October 8, the last night of his □Spiritual Warrior□ retreat in Sedona, Arizona, Ray led a sweat-lodge ritual that ended in tragedy.

Three died, and about twenty others were hospitalized, as a result of injuries sustained in the ritual's extreme heat. The local sheriff's office launched an investigation of the deaths as negligent homicides, and Ray's trial in the court of public opinion began. Former followers and employees made allegations of irresponsible behavior, and Ray canceled all public appearances and retreated into silence (but for some blog posts) so that he could □dedicate all of my physical and emotional energies to helping bring some sort of closure to this matter.□

Ray hired a team of lawyers and private investigators who built a preemptive defense case, outlined in a pair of □White Papers,□ that maintains Ray's innocence. Police reports from Arizona, where the investigation is ongoing, paint a different picture: One survivor of the sweat lodge quoted Ray telling the group, □You are not going to die. You might think you are, but you are not going to die.□

Friday, in his first interview since the Sedona tragedy (and with his lawyers on the line), Ray spoke

Exhibit B

"James Ray Defends Himself"

New York Magazine, January 24, 2010

exclusively to *New York's* Michael Joseph Gross about what exactly happened in the sweat lodge, his struggles in the months since then, and his unwavering denial that he has done anything wrong, whether legally, morally, or ethically.

How did the events in Sedona and their aftermath affect your sense of yourself as a spiritual teacher?

Well, I wouldn't define myself as a spiritual teacher, in the strictest traditional sense. I really see myself as a catalyst for personal transformation. I believe, through my own life experience and through my experience with tens if not hundreds of thousands of other people, that we have this seed of potential, of greatness, inside of us.

Did the events in Sedona change your sense that you can help people remember what they're capable of accomplishing?

The events in Sedona have been devastating to me and to all the families, and I feel horrible about what happened there and for the families and for anyone and everyone who's been affected by it.

How has it changed your personal beliefs?

I don't know how to answer that. That right now is not the important issue. The important issue for me is to find the answers to why it occurred and to really bring some closure to this terrible accident.

What first made you realize that this sweat-lodge experience in Sedona was different from the sweat lodges that you'd been in before?

I did not know anything was different until it became apparent that there had been a terrible accident when it was completed. I don't know what happened.

When did you become aware that there had been an accident?

Someone came up to me and said that there were some individuals that were having problems on the back side of the lodge. I did not know anything before that time. I made sure that 911 was called and we went into action to respond as best we could until the paramedics arrived.

At what point in the sweat-lodge ritual did that happen?

It was after it was completed.

So after you had walked out?

Correct, and after the lodge had been emptied.

Were you aware that some participants were vomiting or passing out or screaming for help during the sweat lodge?

You know, I think I'll just refer you to the □ White Paper □ on that one. [The White Paper asserts, □ Had Mr. Ray, JRI personnel or volunteers heard or understood there to be an urgent call for help, they immediately would have stopped the ceremony. □]

Did you raise your arms in victory at the end of the sweat lodge?

When I came out of the sweat lodge, I raised my arms up and they hosed me down.

Did you tell sweat-lodge participants that vomiting was good for them, that the body was purging what it doesn't want?

I may have mentioned that I had been told by many shamans that the body purges and there's only certain

ways that it can purge. Obviously, you know the bodily functions, so there's only certain ways that things exit the body.

What did you do after making sure 911 was called?

I did everything I could to help. There was a medical doctor there, and I was having her make sure that everything was being run appropriately. I held people's hands, I stroked their hair, I talked to them, I held IV for the paramedics. I was there the entire time doing whatever I could do to help until I was detained by the detectives.

One of your former employees, Melinda Martin, has said that you did nothing to help.

Where was she when you were helping?

She was performing CPR, which she was trained to do. And I was there behind her at one time until I was asked to go look for a defibrillator.

You've been quoted as saying, in the tent, "You're not going to die. You might think you are, but you're not going to die." Did you say that?

I think those statements have been in fact, I don't think, I know those statements have been taken completely out of context. There's no one who would say that I was talking literally. If you look at the Judeo-Christian tradition, it's full of references to death and rebirth. In fact, the apostle Paul, who was pretty much the founder of Christianity post-Jesus's death, said, "I die daily." Now, did he really mean that literally? No, of course not. What is meant there is that, you know, you let go of the things that no longer serve you and you move forward. You know, from a physical perspective, a lot of times people running a foot race will be completely winded and say, "God, I feel like I'm going to die," but do they mean that literally? No, absolutely not.

In a conference call after Sedona, a woman who was identified as speaking on behalf of James Ray International and who was identified as a kind of medium or channeler, said that the victims had been having out-of-body experiences and were having so much fun that they chose not to return to their bodies.

Well first of all, that's not absolutely correct. The person you're speaking of was a volunteer at the event. She was not a representative of JRI and she was not a channeler. She said that Angel Valley Ranch had brought a channeler into that meeting and that's what that person had told her. She was just relaying the message.

What do you think about what she said?

I have no comment. I don't think I'm qualified to talk about channeling.

So it might be true and it might not be true: You don't have any sense either way?

I really don't, no. I think that's up to an interpretation of each individual.

The "White Paper" says that you sent a message to sweat-lodge participants that night. What was the message?

That I loved them and I wished nothing more than to be with them.

When did you leave Arizona?

I left the next morning around lunch time because I had to drive back to Phoenix to catch a flight.

Why didn't you speak to the Spiritual Warrior Retreat participants before you left?

I asked on several occasions, when I was being detained, if I could possibly go speak to them, and that just wasn't possible. The detectives were doing their jobs.

Did James Ray □the citizen□ create a crime in Sedona? And did James Ray □the man□ do something wrong, however you choose to define that□irresponsible, amoral, unethical, or careless?

[*Lawyer interjects*] *Lawyer*: I think you have to rely on the □White Paper□ for that. [The White Paper asserts that Ray □did not commit criminally negligent conduct.□]

Is there anything at all, either on that day or since, that you wish you had done differently?

Lawyer: This is another one of those things that I think the □White Paper□ is just going to have to speak for itself.

Why didn't you or anyone from your organization contact the family of Kirby Brown, one of the victims, until five days after she died?

Well I reached out to the families as soon as I could. What do you do in those situations? I think we all would like to believe that we would do the exact, perfect thing. Would I do some things differently? Probably. But I did the best I could at the time.

A basic principal of your teaching is that the universe is at your command; you speak of the power of intention. I wonder how you perceive the tragedy in Sedona in light of those teachings. Did you in some way cause this to happen?

Well I don't □ First of all, here's the situation: Three people have died in transitions. What I'm really focused on right now is to have my team find out exactly why that happened and bring it to some type of closure.

What does the phrase □died in transition□ mean?

No, what I said was, □died and/or transitioned.□ They're two different terms for the same thing.

Some people who have known you for a long time say that, especially over the course of the last year, your ego has grown stronger, and they suggest you may have become intoxicated by your own power. Do you think there is anything to that criticism?

Well, I think we all struggle with our own ego identity, and certainly that's me included. To say that I haven't been tempted by, you know, my own press, if you will, would be crazy. I mean, I think a part of my path and all of our paths is to constantly look at ourselves. The word ego is a Latin word that means identity, or I. Everyone has an ego. You can't function in the world without an identity.

Has your ego been adjusted by this experience?

It's certainly been, as I said earlier, devastating for every single person that is involved. And shocking for the families and for everyone who's been impacted like this. And so any kind of significant emotional event of this magnitude has to have an impact.

Do you think in some divinely or cosmically ordained way this was the victims' time to die?

I don't think I'm qualified to answer that. I think that's something that everyone would have to come to their own conclusions about.

You had entered the first rank of leaders in the self-help movement, and I'm curious to know how the people who helped you get to that place have responded to this event.

I think you'd have to take it □ people are people. Some I'm closer with, some I'm not as close with. Some have been more verbally supportive. Some have not. It's really kind of a mixed bag.

Do you think the accident in Sedona should be a factor for people deciding whether to follow your teachings and practices?

I'm not really putting energies and attention on my teaching and my future business or anything of that nature right now. I just don't think that's important.

What justifies the pricing of your events?

Well, I think the pricing is determined by the value that people perceive they receive.

With the purchase of your \$4 million Beverly Hills mansion last March, do you think you were overly concerned with money this last year?

No, absolutely not. I have □ or should say, had □ a very capital-intensive model, and anyone who was at one of my events would realize that they're extremely expensive to produce.

And how are you doing financially, now?

Well again, that's not what I want to focus on at this particular time. What I'd like to focus on is bringing closure to this tragic accident.

New York Magazine

COMMENTS

Discussion of:
James Ray Defends Himself

The self-help guru—and sweat lodge homicide suspect—ends his silence in this exclusive interview ...

[Read the story](#)774 COMMENTS - [ADD YOURS](#) SORT [OLDEST FIRST](#) [NEWEST FIRST](#)1 2 3 4 5 6 7 [Last \(78\)](#)BY **STIPULITH** on 01/24/2010 at 11 28pm

Report

Slick Not surprising how well he's been coached, given his budget. What's not addressed here is this: Where did he learn the rite he was conducting (a vague reference to "shamans" doesn't cut it), and if he claims that these "shamans" were in any way authentic, when and how was he ever directed to conduct this rite by these representatives of Native American Tradition? Please, let's put this profane abuse of a sacred ritual in perspective. What if 20 people have been poisoned taking part in a mimicry of the Catholic Mass that used a poorly prepared psychedelic drug instead of Sacramental wine, by someone who claimed to have been instructed in the ritual by ordained Priests? We'd want to know who these "priests" were, and what their perspective was on the matter. The answer would be the same as the one we'll find in this case: either the "Priests" (or shamans) were phonies, or they were real, and the guy came and stole the ritual without their permission and altered it in a lethal manner. There are no other possibilities. Either way, James Ray is clearly guilty of abusing a sacred rite with deadly consequences. No wonder he's been advised not to comment on the morality of it all.

It's spooky. If you read up on the roster of people hosting events at the Sedona retreat where Ray conducted his mockery of a Sweat Lodge, you find a long list of these tacky people stealing pieces of Sacred Traditions from around the world, and charging quite a bit of money for them.

BY **CYBERMAN25** on 01/24/2010 at 11 42pm

Report

What goes around, comes around, James. Why don't you use your thoughts, feelings, and actions to rid yourself of your herpes, or your current legal troubles?

Good luck. When in hell, only the devil can help you.

BY **JANE1950** on 01/25/2010 at 8 18am

Report

is there a typo in article---"principal" should be "principle"

BY **JRCURTIS** on 01/25/2010 at 8 56am

Report

It's easy to vilify Mr. Ray, however, the consequences of his actions are now in the hands of the judicial system. But what of the REST of the self-help "industrial complex?"

I respectfully submit that we (consumers and producers of self-help) establish the Association of Self-Help Professionals or whatever name seems most appropriate to elevate the professional and protect the public. All that is lacking now is the motivation and leadership.

If you consider yourself a self-help expert OR if you are a consumer of self-help products, I urge you to consider working together to turn the Sedona Sweat Lodge deaths into a legacy that salutes the work of the earliest self-help experts like Napoleon Hill, Norman Vincent Peale and Dale Carnegie, honors the efforts of well-intentioned, self-help professionals of today and turns the deaths of those who died in the Sweat Lodge. Liz Neuman, Kirby Brown and James Shore into a legacy for the betterment of the self-help profession and society.

BY **MELORA** on 01/25/2010 at 11 59am

Report

Absolutely unbelievable. Literally. Somehow, Ray has managed to sink to a brand new low with his (latest slew of) unfathomably soulless, inhuman, and all-out deceptive statements.

In this article, Ray claims that, "I held people's hands, I stroked their hair, I talked to them, I held IV for the paramedics. I was there the entire time doing whatever I could do to help until I was detained by the detectives." However, this would seem to be, by all appearances, a blatantly false statement, as police reports indicate that, actually, the authorities found him in his room eating

(without pants on, no less) while the poor victims all lay dead, dying, or struggling to survive, outside

(On a side note, the mere fact that he could even manage to eat in the midst of this horrific scene -- a tragedy which he, himself, had inarguably orchestrated -- speaks volumes, in itself, to his lack of conscience, proper judgment, and ability to reason or behave with a modicum of common sense)

Moreover, by all accounts, Ray did not even spare a moment to identify the victims to the authorities and/or medical staff to show them (and their loved ones) even just this one, small act of courtesy and respect so how can anyone truly believe him when he says that he did "whatever he could"? It's absurd ..

The victims (and their friends and families) deserve SO much more than Ray's continued lies and self-pry, I can only hope that he will be brought to justice very soon, and that he will never, ever be in a position of any sort of leadership again

BY GALLEN on 01/25/2010 at 12 42pm

Report

This is so hard to read All the lies that he is telling that TOTALLY conflict with statements made by former staff and sweat lodge participants!! Does the author of this article know anything about the death of Colleen Connally at his San Diego seminar just a few months before the Sedona Sweat Lodge incident?

BY GALLEN on 01/25/2010 at 12 55pm

Report

Yes, neither he nor his staff even bothered to identify the victims and Liz Neuman's own daughter had no idea where her mother was and had to call all the area hospitals to find her own Mother!! As her mom was admitted as a JANE DOE!!! How awful is that to have to look for your mother in a situation like that He really cared I think not!

BY TERRISARTEN on 01/25/2010 at 1 44pm

Report

So glad to see that the JRI people, including James Ray himself are eager to set the record straight Hopefully James Ray and his people are reading these comments because I can actually help them with some key "record straighteners".

(I am not a medium, a psychic, a shaman, or a televangelist Nor do I play any of these on TV)

First in the list of what happened

1 People died after they stopped breathing Funny thing about that oxygen thing, but you actually have to breathe more frequently than between door openings

2 People who were breathing ignored key warning signs about the people who were not breathing When someone had the nerve to lift the plastic tarps covering the little shed they were in, nobody thought to look at the reason why such a sacrilegious act was performed

3 People cannot tell the difference between someone who is standing aside non-breathers and observing, and people who are administering CPR to the non-breathers James, clearly when Shanna Bowen said you were off to the side in a sort of shell-shock state, she could not see your dedication to the people who you were comforting

James, please, you have got to just set the record straight and start naming the "people" who didn't do what they were supposed to do From your vantage point, you might have missed these key indicators but surely you cannot be responsible for seeing to it that people had air in the little shed But there are other people who can be held responsible and James stop protecting them Name, names James It is the only way closure can come to this tragic event

Sincerely,

T Sarten

Going Three For Three, You Bring About What You Think About, Balance Is Bogus

BY TRINIMANG65 on 01/25/2010 at 1 58pm

Report

I always find it hard to sympathize with cult/trend/religious followers but when it ends in tragedy there is some feeling of sadness Sadness at the senseless death and also sadness that people's lives are so pathetic that they will fall for almost anything that comes along disguised as a salvation

BY CARDIO4ME on 01/25/2010 at 6 11pm

Report

If you were to go to Google and search "salty droid sweating sacrilege", you'd locate a very interesting post featuring a true Shaman who details the proper way to conduct a sweat lodge and many of the sacrilegious things done by James Ray at his Sedona event It starts out "Having apprenticed to a master shaman for over 20 years and having hosted over 120 traditional sweat lodges and countless

informal ones, for over 1,200 guests WITH NO INCIDENT I do have some light to shed "

Again at Google enter "salty droid whitetrash papers" and you'd learn more about the so-called whitepapers In part "Law enforcement has so much corroborated evidence from witnesses that speaks to Ray being at fault, that they cannot take those letters from defense lawyers as being correct

The "white papers"/ letters from defense to the prosecutor was an attempt to build a case for not bringing charges against Ray at all " they wanted to present information that would convince the prosecutor he could not prove a case against Ray and could not win if he did "

1 2 3 4 5 6 7 > Last (78)

ADD A COMMENT

Trouble leaving a comment?
» Tell us about it

You will be prompted to sign in with your NYMag or Facebook account

COMMENT

0 of 350 words allowed (HTML and URLs prohibited)

☐ Publish this comment to Facebook

PREVIEW POST COMMENT

» User Guidelines

Copyright © 2010, New York Media LLC All Rights Reserved

New York Magazine

COMMENTS

Discussion of: James Ray Defends Himself

The self-help guru—and sweat lodge homicide suspect—ends his silence in this exclusive interview. ...

[Read the story](#)

774 COMMENTS - [ADD YOURS](#) | [SORT](#) [OLDEST FIRST](#) | [NEWEST FIRST](#)

First 1 2 3 4 5 6 7 Last (78)

BY **MICHAELLA** on 01/25/2010 at 6 20pm

Report

Common sense would tell me not to get into a sweat lodge that was made with blue propylene tarps(as well as other materials) this is what I believed caused a toxic reaction in the people who became violently ill, and those who died A sweat lodge should be made with only natural materials--those that will not emit chemicals while subjected to high heat. Everyone can blame Mr Ray, and believe that he is at fault, believe that he has a huge ego, and perhaps even believe they weren't prepared for an emergency of the proportion experienced The fact is that if it were his INTENTION to make people ill, not provide health services, push people beyond their limits, or even his intention to kill people--he would be guilty . But proving he had the intention to harm or kill others is what is on the table here Negligence is another issue altogether Basing a person's innocence or guilt on what you believe about them personally, or on what you feel you understand about their "ego" is wrong it is not the basis on which our judicial system is founded

BY **LYGEIA** on 01/25/2010 at 7 08pm

Report

I find this interview to be very false Especially when James Arthur Ray says he "held IVs for the paramedics "

Paramedics do not allow bystanders to help them If you try to hold an IV for them, they will say, "Sir, please step away and let us do our jobs "

And don't even get me started on his claims that he stroked people's hair while they lay dying

BY **TERRISARTEN** on 01/25/2010 at 7 39pm

Report

I am always puzzled by those people who make comments like Michaela Blame the victims and be damn sure to point out that James Ray had no INTENTION to kill so he can't be blamed Well let's just look at how fallacious that argument is

1. In 1996 a ValuJet flight contained improperly labeled cannisters of chemical oxygen in the baggage hull Chemical oxygen has the ability to not only produce enough heat to cause a fire, it can produce oxygen to keep the fire burning This made an otherwise routine flight, fall from the sky

Now by your standard of culpability Michaela, we could say that the passengers should have researched the contents of the box, noticed the flimsy duct tape, understood the properties and behavior of chemical oxygen and switched their airline ticket to a bus ticket to Atlanta And of course you probably believe, SabreTech and ValueJet (now AirTrans) did not INTEND to kill people, so the justice system wasn't designed for this type of situation

But guess what, the legal system held up pretty good (not great) in that situation And I would be willing to bet you, that now, if they ever find that an airline improperly handles a box of chemical oxygen loaded on a plane, they won't have to scratch their heads on the criminal charges

When all these cases (including the Lakota suit) go through the court system with James Ray International, I am sure the "truth" of what happened will be clear to James Ray and his apologists

BY **WARRIOR1** on 01/25/2010 at 9 34pm

Report

I noticed that the "white papers" were written about in this article and even showed a link Why did the author of this article choose not to do the same for the interviews with the participants that have been released by the police department? Here is the link to cut and paste

<http://www.kpho.com/news/22218263/detail.html>

Look just under the picture and it will say Read Narrative Part1/Part 2/Part 3

This will give everyone a snapshot at what was going on in the sweat lodge from the participants' perspective T

BY **YOUREASLIMEBALL** on 01/26/2010 at 12 49am

Report

In other words James None of this is your fault right? You and your lawyer are dancing around the issue and acting as if someone else is to blame. Why? To save yourself? From what? As delusional as you come across in this interview, there is some place inside of you that knows you are not stepping up with the truth

We aren't dumb we know that everything you say and do is to hide the truth of what went on We've all known it since day one Reading this article I was just cringing, it is so easy to feel that you are such a slime ball for not taking responsibility Your double talk and acting as if you didn't know what was going on during the ceremony is incorrigible That is an absolute lie and I hope to God that the prosecutors take you to task over everything you are saying here Witnesses are contradicting you and who do you think the judge or jury is going to believe? Not you, your lawyer can't wait for the day you get sentenced He is gonna throw a big bash and celebrate all the money he just stole from you, and how he doesn't have to deal with a scum bag like you anymore

BY **BRYANNEUMAN** on 01/26/2010 at 10 39pm

Report

3 months later and this all his fancy PR rep and lawyers could come up with? And how many times did he defer to the "whitepapers"?

BY **JANICE21** on 01/27/2010 at 10 58am

Report

Is New York Magazine a podium for James Ray now? What about the hundreds of hours of interviews from witnesses during the police investigation? Where are their voices?

BY **LWL MEDIA** on 01/27/2010 at 10 04pm

Report

Sometimes - like in the case of this fiasco -- it's just about common sense

For more, see "Self Help's Dirty Secrets"
<http://www.lwlworldwide.com/blog/dying-to-improve-life/>

BY **ROSA_CRUZ** on 01/27/2010 at 10 22pm

Report

I always believe that in every story, the truth is somewhere in the middle I believe there is a lot of hate and bad feelings from the people commenting I believe that James Ray should take responsibility, not because you think he should. It is because in the principles he believes in, we must all take responsibility for everything that happens in our lives I don't understand why someone (or in this case three people) have to die in order for everyone to accuse James Ray of stealing a religious ceremony. If I understand correctly, he and others have been doing this for years Why didn't anyone complain before? I don't believe James Ray intended to kill anyone I don't believe the airline company mentioned before intended to kill anyone either I do believe they are guilty of negligence and so, they should willingly accept responsibility. At the end of the day, every President or CEO of any company must accept responsibility for any company wrong doing It is irrelevant if he knew or not, the buck should stop with him Having said that, I have nothing personal against James Ray or anyone who posted something here because EVERYONE is entitled to their opinion To me, more important than who is to blame or what will happen to James Ray is for the families of these victims to have closure, to give this tragedy some meaning, being maybe that the industry is regulated or that if you want to have a sweat lodge it has to follow certain procedures (including the presence of shamans) Something good needs to come out of this tragedy and all the people injured and the families of these three people are in my prayers

BY **BARTMAN1945** on 01/27/2010 at 10 23pm

Report

James Ray is a petty charlatan After he sent me an e mail urging me to read the "New Yorker" interview and I am not sure why, it hasn't change my opinion of the acts that lead to the death of innocent people He is in love with himself and anyone who attends any of his future seminars is just wasting their money Listen to Oprah to get worthwhile information and you never have to leave the safety of your home If you need more self help just spend an evening at Barnes & Noble

First  Last (78)**ADD A COMMENT**

You will be prompted to sign in with your NYMag or Facebook account

Trouble leaving a comment?
→ Tell us about it

COMMENT

0 of 350 words allowed (HTML and URLs prohibited)



☐ Publish this comment to Facebook

[PREVIEW](#) [POST COMMENT](#)

[» User Guidelines](#)

Copyright © 2010, New York Media LLC All Rights Reserved.

New York Magazine

COMMENTS

Discussion of:
James Ray Defends Himself

The self-help guru—and sweat lodge homicide suspect—ends his silence in this exclusive interview. ...

[Read the story](#)774 COMMENTS - [ADD YOURS](#)SORT **OLDEST FIRST** [NEWEST FIRST](#)First [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [Last \(78\)](#)BY **CANADAGIRL66** on 01/27/2010 at 10 26pm[Report](#)

I had members of my immediate family that attended that particular Spiritual Warrior Retreat. They had many great things to say about the retreat, and their spiritual growth and say that it was nothing more than a tragic accident! They were both part of that sweat lodge ceremony. They are both highly intelligent and responsible individuals who are NOT part of a cult. They have not been brain-washed. They are independent, free thinkers. I resent all the derogatory comments by individuals that have no idea of what is really offered at these retreats. The whole problem with society is small minded people that are threatened by ideas and spiritual beliefs that are different from their own. If everyone would stop with the "I'm right, your wrong" mentality and just learn to respect other's choices for spirituality, we wouldn't have most of the present day problems in our world! Shame on all of you!

BY **VICKIGAY61** on 01/27/2010 at 10 30pm[Report](#)

Everything happens for a reason. The people that died were ready for a transition and unfortunately, life on earth in the physical plane cannot understand that. No one should be prosecuted, he (James Ray) has already done that to himself. Let us learn from our own mistakes and make amens from there. Great people do great things but sometimes we fail, it doesn't mean we're not great, just that we are worthy of some help.

BY **CARLOAMI** on 01/27/2010 at 10 39pm[Report](#)

Re: The idea of "stealing" a ritual to the disappointment of the original tribes of Native Americans. I can understand how Native Americans feel in challenging such ceremonies. And, as a non-native myself, who poured (led) Sweatlodge ceremonies many years ago, doing it with respect for the originating culture, I was challenged by some American Indians about doing it. Fired the stone people in my kiln. My commitment to anyone going into the lodge was to be of service and to honor the originating culture by adding only respectful innovations. I still took a little heat for it from American Indians. What makes this different is that he was incorporating Sweatlodge into something he was charging big bucks for. This makes Ray's situation a tricky one for me to deal with. Part of the original tradition is that lodge is by donation to the leader and the people assisting with the hot rocks. I honor that tradition. I think it is important. But let's not go crucifying James Ray. Let's just love him anyway. He has been humbled by this, and maybe we as a culture--Native American or other---can forgive him.

BY **ATRAGEDY** on 01/27/2010 at 10 46pm[Report](#)

This is such a terrible, terrible incident for the victims and the families and friends involved that I am not sure if it is good or bad that this story keeps getting rehashed. I (suppose) that it is good the James Ray has been able to say something concerning the matter, there has been so much said "for" him so many "opinions" just everyone fueling the fire. I do think that James Ray tries to help others. I do think that he is very knowledgeable. I do NOT think that there were "spirits" upset with what he did. If so, what kind of spirits are those that would do such terrible things to innocent people? No, that is not the case. I think something strange happened. I don't know if it was some chemical in there but for SOOO many people to get sick like that to such a degree and that had not happened before - doesn't that seem like something suspicious happened? I (suppose) that it is good for James to be able to finally speak for himself but hopefully sometime soon this can be put to rest because I am not sure if this is good for the families and friends of those that passed to keep seeing things about this. I pray for the three angels in heaven. Clearly not their time to leave their families. The world feels so terrible for your loss, so tragic. So many people that know about this pray for you.

BY **PJSAM75** on 01/27/2010 at 10 48pm

Report

I too believe "everything happens for a reason " Maybe that reason this time is because change needed to happen As a teacher it can be easy to forget that we are ultimately responsible for the well-being of the people studying under us It can become too easy to trust past successes and "trust the process " Participants trust us to help them, leading them in paths of growth, and do it with minimal damage to body, mind and soul Though these people did choose to participate, I am not convinced they choose to die. If a drunk driver kills someone he is still responsible If someone in my care is hurt, I am responsible So, who is responsible here?

BY **MURRN** on 01/27/2010 at 11 10pm

Report

Why does America look to blame so quickly? Blame shifts attention away from honouring those that deserve respect In all things that happen, there are consequences Fear of prosecution and the whole legal pressure (see the lawyer jumping in on some of the questions) around blaming stops the truth of each experience to be learned. If the learning is to just - not do anything that is at all risky how devolved are we as a species willing to become? If you can blame society for your upbringing leading you to be the way you are now when is it going to stop and people just accept responsibility for both the good and bad that occurs Justice is not for us to give Closure through truth - that should be the aim

BY **JENNIFERPHOENIX** on 01/27/2010 at 11 26pm

Report

Unfortunately, if one is to "take responsibility" for three deaths, one is basically telling the authorities they are guilty I certainly understand why he doesn't come out and say "I'm responsible!" He may actually know that he is, but it is terribly unwise to say it in any public forum Just like your auto insurance company tells you not to say "It was my fault" even though you know it is Or to look at it another way If I invited someone into my home, fed them, and they choked on a piece of food and died, should I tell the authorities that I am fully responsible for everything that occurred? I would not, because I wasn't - alone Everyone and everything involved share a level of responsibility for that event. However, I would certainly find out all I can about the situation and look for every possible reason this happened After all, I've invited lots of people into my home and lots of people survived my meals!

Yes, it is assumed that James Ray is supposed to know what he's doing And people at the event trust him and listen to what he says ("You may think you are going to die, but you aren't") And yes, it appears he made many blunders during and after the incident But regardless of what opinion you have of the man, or his actions, remember that anything you do in life can be considered harmless until someone gets hurt or dies It is only then when we pick apart every single aspect of a thing, tear it into tiny, interpretable pieces, and immediately start blaming people based on media-presented "evidence", and not facts

Our judicial system isn't the best, but it is a system - and it must be followed All facts should be examined by unbiased, qualified professionals before we form concrete opinions about who is or is not guilty. There's always more to the story. The pieces we have now do not appear favorable for him, but I'm willing to wait and see what a jury says

BY HAZELWHO on 01/27/2010 at 11:45pm

Report

I am experienced at the sweat lodge method of detoxification, understand its physical and spiritual extreme benefits and the dangers involved when not administered properly

Our bodies require all the salts in the sea and water to operate fully In all sweat bath/ lodge practices around the world, there are references to leaving the lodge when one feels he/she has had enough, or leaving to cool off periodically by jumping in the nearest lake or stream, rolling in the snow, or rub the body with cool dirt This is a wake up call to those who have given away their power and/or money to practice something that each of us can only determine for ourselves. Is it possible that those involved in this crisis had allowed James Ray to determine their destiny, while he is operating from his own destiny agenda? ("Walk on Water") Mr. Ray did not educate his students re dehydration, and it appears that he did push them beyond their physical limits

I feel deep compassion and understanding for James Arthur Ray, for the friends and families of those who have passed on, and for those who are now terminally injured I understand from my own experience that fasting and sweating does is give rise to toxins, to dehydration, and people do get sick from that then of course they are seeking a higher spiritual plane which creates that desire in all of us to "tough it out" .. "go beyond the physical" . "rise above the body", etc . So what do they do? They stay in the sweat lodge long after the symptoms of dehydration have hit them Were they educated know what to look for in dehydration? To eat even a pretzel, drink water, to care for themselves during this part of their journey? Why? To prove a point? To go with the flow?

To get their money's worth?

I am now merely making assumptions and now those three who died can't speak for themselves Sorry . I just can't help but think that in their quest to find God. . they did

BY GEMDI on 01/27/2010 at 11 50pm

Report

Blah Blah Blah HERE ARE THE FACTS FOLKS . he is the president of his company he put on the sweat lodge ceremony. he charged people for this ceremony and gave them the indication it was not a nsky thing to DO. Did they sign a waiver stating they might die I don't think so SO GUESS WHAT. HE IS RESPONSIBLE WHETHER HE SAYS IT OR NOT its NOT BLAME THATS JUST THE WAY IT IS take SOME LAW CLASSES AND STUDY BEFORE YOU BLAH BLAH BLAH ON HERE

BY DOUGEROONIE on 01/28/2010 at 12 01am

Report

I know many still believe in victims/attackers and all that jazz But to tell you the truth, we DO create our own reality Many people join in w/us and for their own reasons too I know his retreat was challenging but everyone didn't die in there Those that did left for their own reasons You also don't really know what those that died were thinking before that time. We don't always say what we are really feeling, sometimes due to the embarrassment of it Those of you that are 'screaming' about what happened, that's really your thing and I wish you the best in that

I wish you all the best in your travels

First 1 2 3 4 5 6 7 Last (78)

ADD A COMMENT

Trouble leaving a comment?
» Tell us about it

You will be prompted to sign in with your NYMag or Facebook account

COMMENT

0 of 350 words allowed (HTML and URLs prohibited)

☐ Publish this comment to Facebook

PREVIEW POST COMMENT

* User Guidelines

Copyright © 2010, New York Media LLC All Rights Reserved.